



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 2 2016

OFFICE OF THE
EXECUTIVE SECRETARIAT

Mr. Kevin Bogardus
Reporter
Greenwire, Environment and Energy Publishing
122 C Street NW, Suite 722
Washington, D.C. 20001

Dear Mr. Bogardus:

Your March 16, 2015, Freedom of Information Act request was modified in conversation with the U.S. Environmental Protection Agency's national FOIA officer to seek a copy of the first email sent from Administrator Gina McCarthy's secondary email account. The request was designated EPA-HQ-2015-005249 and assigned to the Office of the Administrator for response.

The EPA conducted a search and located one responsive record. Upon review, the EPA determined that portions of the record were exempt from mandatory disclosure pursuant to FOIA Exemption 6, which protects information that, if released, would cause an unwarranted invasion of personal privacy. The record is released to you with corresponding redactions to preserve the utility of the Administrator's secondary email account.

If you have any concerns, you may appeal this response with an email to hq.foia@epa.gov or by writing to the National Freedom of Information Act officer at:

U.S. Environmental Protection Agency
William Jefferson Clinton Federal Building
Records, FOIA and Privacy Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, D.C. 20460

Please note that correspondence mailed through only the U.S. Postal Service can be delivered to the address above. If you would like to deliver your appeal in person, via courier service or via an overnight delivery service, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, D.C. 20001.

Your appeal must be submitted no later than 30 calendar days from the date of this letter and should include the request number listed above. The EPA will not consider appeals received after the 30

calendar-day limit. For the quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "E. E. Wachter", followed by a large, stylized loop.

Eric E. Wachter
Director

Enclosure

Newton, Jonathan

From: foia@erulemaking.net
Sent: Monday, May 02, 2016 5:06 PM
To: Newton, Jonathan
Subject: FOIA Task Completed for Final Disposition Notice

The FOIA Task - Final Disposition Notice was completed. Additional details for this task are as follows:

Task Details:

- Tracking Number: EPA-HQ-2015-005249
- Task Type: Final Disposition Notice
- Task Description: Final Disposition Notice
- Assigned To: Jonathan V. Newton
- Assigned By: Jonathan V. Newton
- Date Sent: 05/02/2016
- Due Date: 05/02/2016
- Closed Date: 05/02/2016

Newton, Jonathan

From: foia@erulemaking.net
Sent: Monday, May 02, 2016 5:05 PM
To: Newton, Jonathan
Subject: FOIA Assignment for Final Disposition Notice for Request EPA-HQ-2015-005249

You have been assigned to the FOIA task - Final Disposition Notice. Additional details for this item are as follows:

- Assigned By: Jonathan V. Newton
- Tracking Number: EPA-HQ-2015-005249
- Due Date: 05/02/2016
- Sent Date: 05/02/2016
- Requester: Kevin Bogardus
- Request Track: Complex
- Short Description: Final Disposition Notice
- Long Description: N/A

Newton, Jonathan

From: foia@erulemaking.net
Sent: Monday, May 02, 2016 5:05 PM
To: Newton, Jonathan
Subject: FOIA Task Completed for Case File Review

The FOIA Task - Case File Review was completed. Additional details for this task are as follows:

Task Details:

- Tracking Number: EPA-HQ-2015-005249
- Task Type: Case File Review
- Outcome: Approved
- Task Description: Final Review
- Task Comments: Response letter signed by Eric Wachter on May 2, 2016.
- Assigned To: Eric Wachter
- Assigned By: Jonathan V. Newton
- Date Sent: 05/02/2016
- Due Date: 05/02/2016
- Closed Date: 05/02/2016

Newton, Jonathan

From: foia@erulemaking.net
Sent: Monday, May 02, 2016 5:02 PM
To: Newton, Jonathan
Subject: FOIA Task Completed for EPA-HQ-2015-005249

The FOIA Task for EPA-HQ-2015-005249 was completed. Additional details for this task are as follows:

Task Details:

- Tracking Number: EPA-HQ-2015-005249
- Task Type: Request Detail
- Outcome: Other
- Task Description: After talking with Larry Gottesman the requestor wants the first email sent from the Administrator's secondary account.
- Task Comments: Records provided
- Assigned To: Lena Ferris
- Assigned By: Jonathan V. Newton
- Date Sent: 05/19/2015
- Due Date: 06/02/2015
- Closed Date: 05/02/2016

Newton, Jonathan

From: Wachter, Eric
Sent: Wednesday, March 25, 2015 4:35 PM
To: Purchia, Liz
Cc: Hope, Brian; Newton, Jonathan
Subject: RE: FOIA Assignment for EPA-HQ-2015-005249

Liz,
I left on your chair a response we sent a while back that you might find helpful with this case.
Thanks,
Eric

From: Newton, Jonathan
Sent: Monday, March 23, 2015 9:54 AM
To: Purchia, Liz
Cc: Wachter, Eric; Hope, Brian
Subject: RE: FOIA Assignment for EPA-HQ-2015-005249

I have not communicated with him. He may be referring to his communication with Larry Gottesman which was before the assignment to AO. If you send me a copy of his response I will follow-up.

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Purchia, Liz
Sent: Monday, March 23, 2015 9:42 AM
To: Newton, Jonathan
Cc: Wachter, Eric; Hope, Brian
Subject: Re: FOIA Assignment for EPA-HQ-2015-005249

I did and he said you all had worked it out

Liz Purchia
U.S. EPA
202-564-6691
202-841-2230

On Mar 23, 2015, at 9:12 AM, Newton, Jonathan <Newton.Jonathan@epa.gov> wrote:

Hi Liz,

Please let me know if you reach an agreement/understanding with Mr. Bogardus. If so we need to reflect the disposition in the tracking system.

Thanks,
Jonathan

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Purchia, Liz
Sent: Wednesday, March 18, 2015 5:26 PM
To: Newton, Jonathan; Wachter, Eric; Hope, Brian
Subject: RE: FOIA Assignment for EPA-HQ-2015-005249

I'll email him.

Liz Purchia
Press Secretary
U.S. Environmental Protection Agency
Direct: 202-564-6691
Cell: 202-841-2230

From: Newton, Jonathan
Sent: Wednesday, March 18, 2015 5:07 PM
To: Wachter, Eric; Hope, Brian
Cc: Purchia, Liz
Subject: FW: FOIA Assignment for EPA-HQ-2015-005249

(b) (5)

The National FOIA Officer spoke to the reporter and understands the information is sought in connection with a broader story about government email practices. Should the press office deal with this directly?

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: foia@erulemaking.net [<mailto:foia@erulemaking.net>]
Sent: Wednesday, March 18, 2015 4:35 PM
To: Newton, Jonathan
Subject: FOIA Assignment for EPA-HQ-2015-005249

You have been assigned to the FOIA request EPA-HQ-2015-005249. Additional details for this request are as follows:

- ? Assigned By: Larry F. Gottesman
- ? Request Tracking Number: EPA-HQ-2015-005249
- ? Due Date: 04/15/2015
- ? Requester: Kevin Bogardus
- ? Request Track: Simple

- ? Short Description: N/A
- ? Long Description: I request a copy of the first email(s) sent by EPA Administrator Gina McCarthy from any and all email accounts that she uses for agency business.

Please conduct a comprehensive search of her email account(s) that are used for agency business in response to my FOIA request. Several agency leaders have been found to have used more than one email account for agency business. For example, former EPA Administrator Lisa Jackson used several agency email accounts to conduct agency business, including windsor.richard@epa.gov. In addition, former Secretary of State Hillary Clinton used her own personal email account, hdr22@clintonemail.com, to conduct agency business.

Newton, Jonathan

From: Purchia, Liz
Sent: Monday, March 23, 2015 9:57 AM
To: Newton, Jonathan
Subject: Fwd: FOIA request?

Liz Purchia
U.S. EPA
202-564-6691
202-841-2230

Begin forwarded message:

From: Kevin Bogardus <kbogardus@eenews.net>
Date: March 19, 2015 at 10:17:10 AM EDT
To: "Purchia, Liz" <Purchia.Liz@epa.gov>
Subject: RE: FOIA request?

Liz, thanks for the email. The request is not exactly Lisa Jackson-related, though I mention her in the FOIA. Larry Gottesman gave me a call yesterday to clarify and I think I should be good to go on the request now but I appreciate the offer to help.

Here's the gist: we have FOIAed about 20 federal agencies to see if their agency leaders have more than one email account or a personal email account for agency business. The below is what I asked of EPA, which is similar to what we asked of the other agencies.

I request a copy of the first email(s) sent by EPA Administrator Gina McCarthy from any and all email accounts that she uses for agency business. Please conduct a comprehensive search of her email account(s) that are used for agency business in response to my FOIA request. Several agency leaders have been found to have used more than one email account for agency business. For example, former EPA Administrator Lisa Jackson used several agency email accounts to conduct agency business, including windsor.richard@epa.gov. In addition, former Secretary of State Hillary Clinton used her own personal email account, hdr22@clintonemail.com, to conduct agency business.

Let me know if you have any other questions. Thanks again.

From: Purchia, Liz [<mailto:Purchia.Liz@epa.gov>]
Sent: Thursday, March 19, 2015 9:11 AM
To: Kevin Bogardus
Subject: FOIA request?

Hey Kevin- Heard you've got a FOIA request in related to Lisa Jackson. Is there something I can help with?

Newton, Jonathan

From: Purchia, Liz
Sent: Monday, March 23, 2015 9:42 AM
To: Newton, Jonathan
Cc: Wachter, Eric; Hope, Brian
Subject: Re: FOIA Assignment for EPA-HQ-2015-005249

I did and he said you all had worked it out

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Hi Liz,

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Thanks,
Jonathan

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From: Purchia, Liz
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Subject: RE: FOIA Assignment for EPA-HQ-2015-005249

I'll email him.

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Press Secretary
U.S. Environmental Protection Agency
Direct: 202-564-6691
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From: Newton, Jonathan
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Subject: FW: FOIA Assignment for EPA-HQ-2015-005249

The National FOIA Officer spoke to the reporter and understands the information is sought in connection with a broader story about government email practices. Should the press office deal with this directly?

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: foia@erulemaking.net [<mailto:foia@erulemaking.net>]

Sent: Wednesday, March 18, 2015 4:35 PM

To: Newton, Jonathan

Subject: FOIA Assignment for EPA-HQ-2015-005249

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Newton, Jonathan

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To: Newton, Jonathan; Wachter, Eric; Hope, Brian
Subject: RE: FOIA Assignment for EPA-HQ-2015-005249

I'll email him.

Liz Purchia
Press Secretary
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Direct: 202-564-6691
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From: (b)(6) Administrator Gina McCarthy
Sent: Friday, July 19, 2013 4:29 PM
To: William Springman - Outage Notification Primary
Subject: RE: testing inflow of mail

Categories: Blue Category

received in box sending out!

From: William Springman - Outage Notification Primary
Sent: Friday, July 19, 2013 4:25 PM
To: (b)(6) Administrator Gina McCarthy
Subject: testing inflow of mail

Testing inflow of mail

William Springman
Sr. Systems Administrator
EPA Exchange Online Admin
Lockheed Martin
William.E.Springman@lmco.com
Wspringman@usepa.onmicrosoft.com

Request Details

Status : Assignment Determination

Due Date : 04/15/2015

273



Tracking Number : EPA-HQ-2015-005249	Submitted Date : 03/16/2015
Requester : Kevin Bogardus	Perfected Date : 03/18/2015
Organization : Greenwire	Last Assigned Date : 03/18/2015
Requester Has Account : Yes	Fee Limit : \$25.00
Email Address : kbogardus@eenews.net	Request Track : Complex
Phone Number : 202-446-0401	Due Date : 04/15/2015
Fax Number : 202-737-5299	Assigned To : Jonathan V. Newton (Officer of the Administrator)
Address : Environment & Energy Publishing 122 C Street NW, Suite 722	Last Assigned By : Larry F. Gottesman (U.S. Environmental Protection Agency)
City : Washington	
State/Province : DC	
Zip Code/Postal Code : 20001	

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (1)

Review

Request Handling

Requester Info Available to the Public : Request Track : Fee Category :

Fee Waiver Requested: No

Fee Waiver Status: N/A

Expedited Processing Requested: No

Expedited Processing Status : N/A

Request Perfected : Yes

Perfected Date : 03/18/2015

Acknowledgement Sent Date:

Unusual Circumstances ? : No

5 Day Notification: ☐Litigation :

Request Description

Short Description :

I request a copy of the first email(s) sent by EPA Administrator Gina McCarthy from any and all email accounts that she uses for agency business.

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Description Available to the Public : Has Description Been Modified? ☒

119/2000

After talking with Larry Gottesman the requestor wants the first email sent from the Administrator's secondary account.

Attached Supporting Files

No supporting files have been added.

Upload Supporting Files

No attachments have been added.

Request Details

Status : Assignment Determination

Due Date : 04/15/2015

273



Tracking Number : EPA-HQ-2015-005249	Submitted Date : 03/16/2015
Requester : Kevin Bogardus	Perfected Date : 03/18/2015
Organization : Greenwire	Last Assigned Date : 03/18/2015
Requester Has Account : Yes	Fee Limit : \$25.00
Email Address : kbogardus@eenews.net	Request Track : Complex
Phone Number : 202-446-0401	Due Date : 04/15/2015
Fax Number : 202-737-5299	Assigned To : Jonathan V. Newton (Officer of the Administrator)
Address : Environment & Energy Publishing 122 C Street NW, Suite 722	Last Assigned By : Larry F. Gottesman (U.S. Environmental Protection Agency)
City : Washington	
State/Province : DC	
Zip Code/Postal Code : 20001	

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (1)

Review

Request Handling

Requester Info Available to the Public : Request Track : Fee Category :

Fee Waiver Requested: No

Fee Waiver Status: N/A

Expedited Processing Requested: No

Expedited Processing Status : N/A

Request Perfected : Yes

Perfected Date : 03/18/2015

Acknowledgement Sent Date:

Unusual Circumstances ? : No

5 Day Notification: ☐Litigation :

Request Description

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119/2000

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No supporting files have been added.

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No attachments have been added.